



**NOAA
FISHERIES**

Updates from the Office for International Affairs and Seafood Inspection

ICCAT Advisory Committee, Fall Meeting

October 8, 2015

ATCA Identification of Countries

ATCA § 971d(c)(6) requires NMFS, in consultation with DOS, to :

“identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the Convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation.”

- 2015 review in process
- scope of review limited to fishing activities in current and previous year
- May lead to trade prohibitions for ICCAT species exported from identified countries (members or non-members)

ICCAT Identification of Countries

- US has not unilaterally identified a nation under ATCA authority
- Preference to work through ICCAT Rec. 6-14 ~ more comprehensive scope and multilateral sanctions likely to be more effective
- At its 2014 annual meeting, ICCAT had no new identifications, 3 members had prior identifications lifted
- In 2014, letters of concern were sent to 22 ICCAT members and 3 non-members about lesser infractions
- Lack of response/continued adverse action could lead to trade measures - have been applied in past cases



HSDMPA Identifications



Identification and Certification

- MSRA 2006 amended HSDFMPA to require identification and certification of nations with –
 - Vessels engaged in IUU fishing
 - Vessels taking PLMR as bycatch
- SCA of 2010 added ID/Certification for shark fishing on the high seas inconsistent with U.S. conservation standards
- Decisions issued in Biennial Report to Congress
- Final Rules issued 2009/2013 articulated process
- Reports issued: January 2009, 2011, 2013, 2015

Identification and Certification

- 2009 Biennial Report –
 - 6 nations identified for IUU
- 2011 Biennial Report –
 - 6 previously identified nations certified positive
 - 6 new identifications for IUU
- 2013 Biennial Report –
 - 6 previously identified nations certified positive
 - 10 new identifications for IUU, 1 also for bycatch
- 2015 Biennial Report –
 - 10 previously identified IUU nations certified positive
 - Mexico certified negative for N Pacific Loggerhead bycatch

ICCAT Parties Identified Under HSDMPA - 2015

Non-ICCAT IUU Activities

- Nigeria – CCAMLR violations
- Mexico – unauthorized fishing in US EEZ
- Portugal – NAFO violations
- Nicaragua – IATTC violations



Legislative Updates - International Fisheries

- Reauthorization of the Magnuson-Stevens Act
 - Regional hearings held last Congress but no further action taken
 - Legislation pending before Congress
 - H.R. 1335, *Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act* (re-introduced by Congressman Young)
 - Bill was passed by the House of Representatives; no action in Senate
 - Undecided on an Administration Reauthorization Proposal
 - NMFS identified issues of importance to address during MSA reauthorization

Legislative Updates - International Fisheries

- H.R. 774, *Illegal, Unreported, and Unregulated Fishing Enforcement Act* (re-introduced by Congresswoman Bordallo)
 - Harmonizes administrative/enforcement authorities & penalties across RFMO-implementing statutes
 - Revises procedures to identify and certify nations for engaging in IUU fishing and bycatch (e.g., time frames for information collection expanded to three years)
 - Authorizes implementing legislation for the Antigua Convention (IATTC)
 - Implements *FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)*
 - House of Representatives passed legislation (July 2015); bill received in Senate
 - Senate companion bill (S. 1334) has been introduced, but no further action taken
- *International Fisheries Stewardship and Enforcement Act* – yet to be re-introduced in 114th Congress
 - Harmonizes administrative/enforcement authorities & penalties across RFMO-implementing statutes
 - Strengthens enforcement tools to enhance detection of fish & fish products harvested or imported illegally
 - Revises procedures to identify and certify nations for engaging in IUU fishing, bycatch, and shark catch (e.g., time frames for information collection expanded to three years)
- Legislation to Implement Four Fisheries Treaties – legislation introduced
 - Last Congress, Senate approved four fisheries Treaties (NPRFMO, SPRFMO, NAFO, PSMA) but implementing legislation was not adopted
 - S. 1335 (NPRFMO), S. 1336 (SPRFMO), S. 1251 (NAFO) were reported favorably by Senate Commerce Committee, but no further action has been taken

FAO Catch Documentation

Dec 2013: UN Fisheries Resolution adopted calling on the FAO to initiate work on "guidelines and other relevant criteria relating to catch documentation schemes including possible formats."

Feb 2014: FAO Subcommittee on Fish Trade (Bergen) endorses proposal by Norway to advance work on CDS based on core principles of simplicity, equivalence, transparency and electronic format to the extent possible.

Jun 2014: FAO Committee on Fisheries in plenary session welcomes Norway offer to financially support an Expert Consultation on CDS

Mar 2015: Terms of Reference for an Expert Consultation on CDS are agreed by FAO COFI Bureau

July 2015: Expert Consultation convened at FAO in Rome; FAO COFI Bureau considering next steps

International Trade Data System



ITDS and Trade Monitoring

ITDS – Government-wide system for entry/retrieval of trade data

Single window concept for both private sector (shippers, carriers, brokers) and for partner government agencies

Electronic filing, review and communication of admissibility decisions or holds

Electronic integration of agency specific trade monitoring programs

NMFS ITDS Integration

Rulemaking

Consolidated Trade Permit (one permit – all commodities)

Electronic Entry Filing (Message Set and Document Images)

Electronic Export Declarations

Database Development

Self-Serve Permitting via National Permits System

Reference files & validation rules loaded into CBP ACE system

Web based messaging to NMFS/Trade of validation results



Executive Order - February 19, 2014

Streamlining the Export/Import Process for America's Businesses

Mandatory Agency use of ITDS by December 31, 2016

NMFS Proposed Rule in November 2015

Consolidated Trade Permit (Importer of Record/PPI)

Electronic Entry Filing and export Declaration (Brokers/Shippers)

Pilot Testing with trade and CBP in October 2015 (message set and images)

Final Rule in April 2016 (depends on testing results and CBP readiness)

Transition issues (permits, brokers, shippers, software vendors)



HSFCA Final Rule

High Seas Fishing Compliance Act – FAO Compliance Agreement

Proposed Rule Issued on April 15, 2013 (80 FR 19611)

Final Rule anticipated in October 2015

Affects U.S. flag vessels operating beyond EEZ

Ensures compliance by US Vessels with International Conservation Measures

Measures:

- Vessel authorization/identification
- Reporting/recordkeeping
- VMS/Observers
- NEPA/ESA/MMPA Compliance
- Specifically Authorized Fisheries
- Cross-permitting validation

Deadlines for VMS Reimbursement

